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JUN 27 2005

**TECHNOLOGY CENTER 3600**

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In re Application of: Paul H. Phibbs, Jr. .	:	PETITION TO WITHDRAW
Application No. 09/943,060	:	FINALITY OF ACTION
Filed: August 30, 2001.	:	UNDER
Attorney Docket No.: 9391	:	37 C.F.R. 1.181
For: CAPITAL ALLOCATION IN A NET	:	
INTEREST REVENUE	:	
IMPLEMENTATION FOR FINANCIAL	:	
PROCESSING IN A RELATIONAL	:	
DATABASE MANAGEMENT SYSTEM	:	

This is in response to applicant's petition filed on May 18, 2005 to have the Finality of the November 18, 2004 Office action withdrawn.

The petition is **GRANTED**.

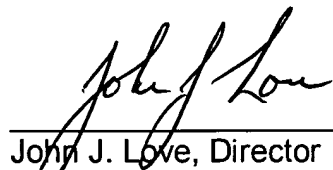
The petitioner argues that the November 18, 2004 Office action failed to indicate either on the cover page or within the body of the action that the action was in fact being made final. On March 16, 2005 petitioner filed an amendment which was treated as an amendment after final and the examiner responded with an Advisory action on April 5, 2005. Additionally the petitioner is requesting a refund of any fees charged for the three month extension of time required to file the Notice of Appeal, since these fees were only necessary due to the improper listing of the November 18, 2004 Office action as Final.

A review of the file record indicates that the Office action dated November 18, 2004 was intended to be a Non-Final Office action but was improperly recorded as a Final action. This resulted in the March 16, 2005 amendment being treated as an After-Final amendment.

Accordingly, the petition is granted with the Finality of the November 18, 2004 Office action being withdrawn. The amendment dated March 16, 2005 will be formally entered and the application forwarded to the examiner for prompt action on the amendment. As for the refund of fees, petitioner may file a separate letter

requesting the refund of the extension of times fees referred to in the petition.

**Summary: *Petition GRANTED***

A handwritten signature in black ink, appearing to read "John J. Love", is written over a horizontal line.

John J. Love, Director  
Patent Technology Center 3600  
(571)-272-5250

JJL/rpo: 6/06/05